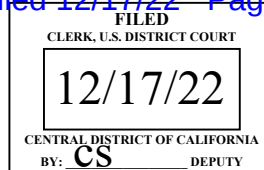


Is Blank
but signed



Clinton Brown

16821 Edgar Street

Pacific Palisades, CA 90272

310-487-6453

Plaintiff in Pro Se

Note: The court cannot refuse to accept a complaint for filing because of
formatting errors. *Fed. R. Civ. P. 5(d)(4)*.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,

Plaintiff,

vs.

CLARK R. TAYLOR. AICP, THE

LOS ANGELES COUNTY

DEPARTMENT OF REGIONAL

PLANNING,

Defendant.

Case No.: CV22-9203-MEMF(KS)

**Civil Rights Complaint Pursuant to
42 U.S.C. § 1983 (non-prisoners)**

Jury Trial Demanded: ☒ Yes ☐ No

I. JURISDICTION

This court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343. Federal
question jurisdiction arises pursuant to 42 U.S.C. § 1983.

“The Civil Rights Act of 1871 guarantees a federal forum for claims of
unconstitutional treatment at the hands of state officials, and the settled rule
is that exhaustion of state remedies is not a prerequisite to an action under 42

1 U.S.C.S. § 1983. Thus, a landowner is not required to pursue an inverse
 2 condemnation action against a township in state court before bringing a 42
 3 U.S.C.S. § 1983 action alleging violation of the Fifth Amendment Takings
 4 Clause because a government violated the Takings Clause when it took
 5 property without compensation, and a Fifth Amendment claim could be
 6 brought under § 1983 at that time. (*Knick v. Twp. of Scott* (2019)
 7 ____ U.S. ____ [139 S.Ct. 2162, 204 L.Ed.2d 558].)”

8 II. VENUE

9
 10 Venue is proper pursuant to 28 U.S.C § 1391 because the events giving rise to this
 11 complaint happened in this district.

12 III. PARTIES

13
 14 Plaintiff, CLINTON BROWN, resides at: 16821 Edgar Street, Pacific Palisades,
 15 CA 90272.

16
 17 Defendant, CLARK R. TAYLOR. AICP, THE LOS ANGELES COUNTY
 18 DEPARTMENT OF REGIONAL PLANNING works at The Los Angeles County
 19 Department of Regional Planning at 26600 Agoura Road Calabasas, California,
 20 91302.

21
 22 Defendant's title or position is SENIOR PLANNER, Coastal Development
 23 Services.

24
 25 This Defendant is sued in his/her (check one or both):

26 ☐ individual capacity ☒ official capacity

27
 28 This Defendant was acting within the scope of their authority as a government

1 official. The official had the power to take the landowner's property without
 2 compensation, which is a violation of the Fifth Amendment. The official's actions
 3 constitute a violation of the landowner's constitutional rights, and therefore the
 4 official was acting under the color of law.

5 6 **IV. STATEMENT OF FACTS**

7 Clinton Brown, the Defendant, submitted an application to install a 20 MW Solar
 8 Farm at 27250 Agoura Rd., described as 32.4 acres of vacant land, in
 9 unincorporated Los Angeles County, on November 28, 2020, to the Los Angeles
 10 County Department of Building and Safety. Plaintiff then received a “DRAFT”
 11 version of a Solar Manual *dated May 2018* (Emphasis added). On August 31,
 12 2021, the Los Angeles County Department of Building and Safety directed
 13 Defendant to submit a new application and subsequently voided the original
 14 application. The Los Angeles County Department of Building and Safety created
 15 an Agency Referral form on 09/01/2021 for the Department of Regional Planning,
 16 among other agencies to review and sign-off on the permit request (Exhibit A).

17 The document contains a bold notice: **THIS NOTICE IS TO INFORM YOU**
 18 **THAT APPROVAL FROM THE AGENCIES MARKED BELOW, IN**
 19 **ADDITION TO BUILDING PLAN CHECK APPROVAL, MUST BE**
 20 **OBTAINED PRIOR TO PERMIT ISSUANCE.** This Agency Referral document
 21 was issued on September 1, 2021. The *original application* (Emphasis added) was
 22 submitted on November 28, 2020. Plaintiff’s acknowledgment of this document
 23 was on September 1, 2021 and was promptly sent to the Department of Regional
 24 Planning.

25
 26 Clark S. Taylor, the Senior Planner for the Los Angeles County Department of
 27 Regional Planning denied the application on October 12, 2022, on the grounds that
 28 utility-scale solar facilities are not allowed in Significant Ecological Areas

1 (“SEA”) and per the County’s GIS mapping, the SEA overlay encompasses the
2 entire property in question. The County's effective date of the Significant
3 Ecological Areas (“SEA”) and Santa Monica Mountains North Area Ordinance
4 was on June 3, 2021.

5
6 The rejection letter stated (Exhibit B): “The Department of Regional Planning is in
7 receipt of the application materials you submitted on September 1, 2021 for the
8 Solar Farm Project at 27250 Agoura Road. Upon review of the submitted
9 materials, it has been determined that the proposed project is not permitted at this
10 location and the application has been REJECTED.”

11
12 “Ground mounted utility scale solar facilities are not permitted in Significant
13 Ecological Areas as described in section 22.140.510(C)(5)(a) found here:
14 [https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?no](https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV7STSPUS_CH22.140STSPUS_22.140.510REEN)
15 [deId=TIT22PLZO_DIV7STSPUS_CH22.140STSPUS_22.140.510REEN](https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT22PLZO_DIV7STSPUS_CH22.140STSPUS_22.140.510REEN). The
16 proposed project site is located wholly within the Santa Monica Mountains North
17 Area Significant Ecological Area and for this reason, the proposed project cannot
18 be permitted at this location and the application cannot be processed...Sincerely,
19 Clark Taylor, Regional Planner Coastal Development Service.”

20
21 Defendant continued to pursue the Solar Farm application through Public Works,
22 Fire, and Building, but all departments directed him back to the Regional Planning
23 Department to the Plaintiff and the October 12, 2021, rejection letter. In documents
24 submitted for the application the plans for the solar field included covering the
25 entirety of the parcel. An environmental review document prepared by Green-Tech
26 Environmental in June 2021 was also submitted, reviewed, and accepted by the
27 Los Angeles County Department of Building and Safety. The document concluded
28 that with mitigations, the project would have less than significant impacts.

1
2 Property rights are essential for individuals to exercise their freedom and shape
3 their own destiny without government interference. Plaintiff proceeded in good
4 faith and with great expense to work with the Los Angeles County Department of
5 Building and Safety to secure a permit to use the property for its highest and best
6 use.

7
8 Without just compensation, the government would be unjustly taking away the
9 property owner's rights and destroying their ability to plan their own future. The
10 government is not allowed to take away the property owner's rights without
11 providing compensation for the loss of value that the regulation has caused. A
12 regulation which denies all economically beneficial or productive use of land
13 requires compensation under the Takings Clause.

14 15 **V. CLAIMS**

16 **Claim #1**

17 As a result of the Defendant's violation of the above civil right, Plaintiff was
18 harmed in the following way: The County denied the application on October 12,
19 2022 on the grounds that utility-scale solar facilities are not allowed in Significant
20 Ecological Areas ("SEA") and per the County's GIS mapping, the SEA overlay
21 *encompasses the entire Property*. (Emphasis added).

22
23 "Judicial precedent states two guidelines for determining when government
24 regulation is so onerous that it constitutes a taking. First, with certain
25 qualifications, a regulation which denies all economically beneficial or
26 productive use of land will require compensation under the Takings Clause.
27 Second, when a regulation impedes the use of property without depriving the
28 owner of all economically beneficial use, a taking still may be found based

1 on a complex of factors, including (1) the economic impact of the regulation
 2 on the claimant; (2) the extent to which the regulation has interfered with
 3 distinct investment-backed expectations; and (3) the character of the
 4 governmental action.” (*Murr v. Wisconsin* (2017) ___ U.S. ___ [137 S.Ct.
 5 1933, 198 L.Ed.2d 497].)

6
 7 The argument should be made and can be made that government regulation of said
 8 property meets the first guideline of judicial precedent that denying all
 9 economically beneficial or productive uses of the land creates the self-executing
 10 mechanism of the Takings Clause. As the 5th Circuit Court noted in 1979,

11
 12 “A reasonable man buyer will purchase land with an eye to not only its
 13 existing use but to other potential uses as well, fair market value takes into
 14 consideration the highest and most profitable use for which the property is
 15 adaptable and needed or likely to be needed in the reasonably near future to
 16 the full extent that the prospect of demand for such use affects
 17 the market value while the property is privately held.

18 *Thus, just compensation is not limited to the value of the property as*
 19 *presently used, but includes any additional market value it may.”*(Emphasis
 20 added). (*United States v. 320.0 Acres of Land* (5th Cir. 1979) 605 F.2d 762.)

21
 22 The case at hand should be viewed through the lens of the Knicks decision, which
 23 creates a new foundation of private property law because it has incorporated
 24 another piece of the 5th Amendment to the States via the 14th Amendment; the
 25 right of the property owner to bring a Fifth Amendment claim directly to Federal
 26 Court under 42 U.S.C.S. § 1983. This new landscape, established by Knicks, has
 27 upended the established precedent and approaches to Takings Clause cases.
 28 Therefore, while state court cases may be helpful as precedent they are not as

1 instructive in the new landscape created by Knicks. The court should carefully
 2 consider the implications of the Knicks decision on the case at hand, and the ways
 3 in which this new landscape affects the protection of private property rights,
 4 including bringing action directly to a federal venue, rather than a state venue for
 5 immediate relief.

6 7 **VI. PRAYER FOR RELIEF:**

8 **Your Honor**, the Plaintiff argues that the actions of inverse eminent domain
 9 constituted a taking of private property without just compensation and thus
 10 violated their Fifth Amendment rights. The Plaintiff further argues that the action
 11 was not in furtherance of a public purpose, and thus violated their rights to private
 12 property guaranteed by the Fifth Amendment. The Plaintiff requests that the court
 13 provide relief for the unlawful and unconstitutional action.

14
 15 **WHEREFORE**, Plaintiff respectfully requests that this Court:

- 16 1. Find that Defendant has taken the property at 27250 Agoura Road in violation of
- 17 the Fifth Amendment' Takings Clause in the United States Constitution;
- 18 2. Find that the Plaintiff is entitled to just compensation for the Taking in the
- 19 amount of \$32,400,000.
- 20 3. Order Clark S. Taylor to sign the Agency Referral document *based on the facts*
- 21 *in this case*; (Emphasis added) and;
- 22 4. Grant such other and further relief as the Court deems just and proper.

23 Dated: _____

24 Sign: _____

25 Print Name:

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues that are so triable.

Dated: _____

Sign: _____

Print Name: